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In re Application of
F. Shepard
Application No. 09/002,958
Filed: 6 January, 1998
Attorney Docket No. 5483.1-41341

ON PETITION

This is a decision on the petition filed herein 30 November, 1999, and supplemented 4 January and 30 November, 1999, under 37 C.F.R. §1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The record indicates that: the Notice of Allowance and Issue Fee Due and Notice of Allowability (with the requirement for filing of formal drawings) were mailed 24 May, 1999, and due on or before 24 August, 1999. Because the Issue Fee was not paid before the non-extendable deadline and drawings were not timely filed on or before the due date the matter went abandoned at midnight 24 August, 1999. Notice of Abandonment was mailed 4 November, 1999.

This application is being forwarded to Publications Branch to be processed into a patent.

¹ Effective December 1, 1997, the provisions of 37 C.F.R. 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. 1.137(b). A grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

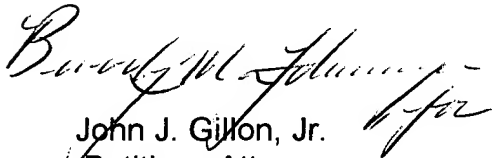
(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.


(2) the petition fee as set forth in 37 C.F.R. 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. 1.20(d)) required pursuant to 37 C.F.R. 1.137(c).

Telephone inquiries concerning this matter may be directed to Petitions Attorney John J. Gillon, Jr., at (703) 305-9199.


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